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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,770	12/03/1999	CLIFFORD C. THOMPSON	2849/0G277	4218
7590	11/29/2004		EXAMINER	
DARBY & DARBY P C 805 THIRD AVENUE NEW YORK, NY 10022			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/454,770	THOMPSON, CLIFFORD C	
	Examiner	Art Unit	
	Akiba K Robinson-Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 September 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-10 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Status of Claims

1. Due to communications filed 9/7/04, the following is a non-final office action. Claims 11-39 have previously been cancelled, therefore, claims 1-10 are pending in this application and have been examined on the merits. The previous rejection has been withdrawn and prosecution on this case has been re-opened.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the step of "permitting the carrier to make further deliveries at additional locations after having placed the parcel within the secure receptacle", is a step that renders the claims indefinite. It is not clear as to who is carrying out this step. The examiner cannot determine if this "permitting" step is verbal, or physically controlled. For this reason, one can easily interpret that it is the customer that is doing the "permitting". In addition, the claim recites the steps of "providing the parcel...", "accessing the secure receptacle", "placing the parcel...", "securing the secure receptacle", "permitting the carrier..." and "automatically registering...". However, it is

not clear as to who is carrying out each step of the claim, and in what order the steps are performed. Because of these reasons, one of ordinary skill in the art would not be reasonably appraised of the scope of the invention, and therefore, the entire claim, and the scope of the invention is unclear. All claims that depend from claim 1 (claims 2-10) are therefore also unclear.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sosan (US 5,624,071), and further in view of Ogilvie et al (US 6,344,796).

As per claims 1, 3, Sosan discloses:

(a) Providing the parcel to the carrier and dispatching the carrier with the parcel to the location of the intended recipient in accordance with delivery instructions associated with the parcel, the location corresponding to the address of the intended recipient on the delivery instructions, (Col. 11, lines 11-32, address label, form with instructions);

(b) Accessing the secure receptacle, (Col. 13, lines 36-42, using the bar code scanner to decode the combination to the receptacle);

(c) Placing the parcel within the secure receptacle, (Abstract, lines 7-10, carrier deposits package into receptacle);

(d) Securing the secure receptacle, (Col. 14, lines 8-10, carrier deposits and locks the receptacle afterwards);

(e) Permitting the carrier to make further deliveries at additional locations after having placed the parcel within the secure receptacle, (col. 2, lines 40-47, permits carriers to make multiple deliveries, w/ col. 1, lines 29-34, shows delivery to an alternative address, shows route, which consists of further deliveries at additional locations);

accessing a remote location by a communication link, conveying the placement data to the remote location, (Col. 13, lines 35-41, shows the transmission of the code from the scanner to the display by use of a bar code scanner).

Sosan does not specifically disclose automatically registering the placement of the parcel within the secure receptacle after the securing step/wherein the registering step is in response to and contemporaneously with the securing step, but does disclose using a bar code scanner to decode a combination and use this combination to deliver the package in col. 13, lines 36-39.

However, Ogilvie et al discloses:

(f) automatically registering the placement of the parcel within the secure receptacle after the securing step/wherein the registering step is in response to and contemporaneously with the securing step, (Col. 3, lines 45-48 shows that this system is used by shippers dropping off or picking up packages, therefore, this invention can be used with both scenarios. Also, Col. 4, lines 21-44, shows that the shipper is registered with the system and therefore, the shipper's package access is tracked and associated with the shipper registration. In addition, it is shown that the unattended delivery system notifies the bulk shipper via communication means after the pickup, which means that the placement of the parcel must be registered if this information is available and sent

from a system to the bulk shipper). Ogilvie et al discloses this limitation in an analogous art for the purpose of showing that packages can be tracked via scanning devices.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to automatically register the placement of the parcel within the secure receptacle after the securing step/ wherein the registering step is in response to and contemporaneously with the securing step with the motivation of keeping a record of the package that was delivered.

As per claim 2, Sosan discloses:

reading a code on the parcel in response to the securing step...(Col. 13, lines 32-38, scanning bar code label);

storing the code in a memory, (col. 13, lines 37-38, shows that the combination is decoded by the bar code scanner, in this case, storing the code in memory is inherent since the bar code data must be stored in memory in order for the scanner to take this information and manipulate it so this data can be decoded).

As per claim 4, Sosan discloses:

wherein the secure receptacle has a locked state and an unlocked state and wherein the securing step includes the additional step of:

moving from the locked state to the unlocked state after receiving the parcel, (Col. 13, lines 36-42, Col. 64-67, upon delivery, unlocking the combination of the receptacle).

As per claim 6, Sosan discloses:

wherein the secure receptacle has a locked state and an unlocked state, and where the securing step includes the additional step of:

moving from the unlocked state to the locked state upon receiving the parcel, (Col. 7, lines 1-6, relocking after depositing the package).

As per claims 7-9, Sosan, et al fails to disclose including the additional step of generating a log entry in response to the accessing/securing/registering step, but does disclose using a bar code scanner to decode a combination and use this combination to deliver the package in col. 13,lines 36-39.

However, Ogilvie et al discloses:

including the additional step of generating a log entry in response to the accessing/securing/registering step, (Col. 4, lines 45-49, shows shipper logs specific packages using a tracking system such as a bar code scanner, w/ col. 3, lines 45-48 shows that this system is used by shippers dropping off or picking up packages, both scenarios can be implemented in this invention). Ogilvie et al discloses this limitation in an analogous art for the purpose of showing that packages can be tracked via scanning devices.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate a log entry in response to the accessing/securing/registering step with the motivation of keeping a record of the package that was delivered.

6. Claims 5,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sosan (US 5,624,071), in view of Ogilvie et al (US 6,344,796), and further in view of Nishiyama et al (US 3,689,155).

As per claim 5, Sosan fails to disclose wherein the authorized identifier is received from at least one of: a magnetic strip card, a key pad and a smart card, but does disclose that an authorized identifier in the form of a code is received through a bar code label in Col. 13,lines 32-38.

However Nishiyama et al discloses:

wherein the authorized identifier is received from at least one of: a magnetic strip card, a key pad and a smart card, (Col. 6, lines 26-32, magnetic card). Nishiyama et al discloses this limitation in an analogous art for the purpose of showing that magnetic strip cards can be attached to mail matter so the record carried can be read by magnetic head.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize a magnetic strip card with the motivation of allowing the parcel to be read via devices that contain a magnetic head.

As per claim 10, Sosan fails to disclose where in the placing step is performed at night, but does disclose a method and apparatus for receiving packages in absentia in the abstract, line 1.

However, Nishiyama et al discloses:

where in the placing step is performed at night, (Col. 5, lines 60-68, shows the acceptance of mail matters in the nighttime). Nishiyama et al discloses this limitation in an analogous art to show that mail can be automatically processed by being accepted at late hours without being attended by a mail clerk.

It would have been obvious to one of ordinary skill in the art to place the parcel within the secure receptacle at night with the motivation of keeping the package secure by avoiding outside interferences that are reduced at night.

Response to Arguments

7. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ARB

A. R. B.
November 23, 2004

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3623